

**CITY OF NEWPORT BEACH  
PLANNING COMMISSION AGENDA  
CITY COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD  
THURSDAY, MARCH 7, 2013  
REGULAR MEETING – 6:30 p.m.**

**MICHAEL TOERGE**  
Chair

**BRADLEY HILLGREN**                      **FRED AMERI**  
Vice Chair                                      Secretary

**TIM BROWN**  
**KORY KRAMER**  
**JAY MYERS**  
**LARRY TUCKER**

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

**KIMBERLY BRANDT, Community Development Director**  
**BRENDA WISNESKI, Deputy Community Development Director**

**LEONIE MULVIHILL, Assistant City Attorney**                      **TONY BRINE, City Traffic Engineer**  
**MARLENE BURNS, Administrative Assistant**

**NOTICE TO THE PUBLIC**

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or [lbrown@newportbeachca.gov](mailto:lbrown@newportbeachca.gov)).

**APPEAL PERIOD:** Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

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**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. PUBLIC COMMENTS**

*Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.*

**V. REQUEST FOR CONTINUANCES**

**VI. CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF FEBRUARY 7, 2013**

**Recommended Action:** Approve and file

**VII. CURRENT BUSINESS**

**ITEM NO. 2 GENERAL PLAN ANNUAL STATUS REPORT INCLUDING HOUSING ELEMENT REPORT (PA2007-195)**

**Site Location: City of Newport Beach**

**Summary:**

Government Code Section 65400 mandates that the City prepare an annual report on the status of the General Plan and progress in its implementation. Government Code Sections 65583 and 65584 requires reporting related to the implementation of the Housing Element of the General Plan.

**CEQA Compliance:**

The General Plan Status Report, including the Housing Element Report, is not subject to CEQA, as the actions are not a project as defined in Section 15378(b) (2) of the Public Resources Code.

**Recommended Action:**

1. Review and comment; and
2. Forward to City Council for review and authorize submittal to the Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD).

**VIII. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 3 MOTION FOR RECONSIDERATION**

**ITEM NO. 4 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

1. Future Planning Projects

**ITEM NO. 5 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT**

**ITEM NO. 6 REQUESTS FOR EXCUSED ABSENCES**

**IX. ADJOURNMENT**

## Comments on March 7, 2013 PC Agenda Items

The following comments on items on the March 7, 2013 Newport Beach Planning Commission agenda are submitted by: Jim Mosher ( [jimmosher@yahoo.com](mailto:jimmosher@yahoo.com) ), 2210 Private Road, Newport Beach 92660 (949-548-6229)

### ***Item No. 1 Minutes Of February 7, 2013***

The following minor corrections are suggested:

Page 2, last paragraph: “Bill ~~Shephoff~~ Shopoff, applicant, presented an update...”

Page 4, second paragraph from end: “...the process suffered from ~~adequate~~ inadequate vetting by EQAC ...”.

Page 5, third paragraph: “... one of the big issues of concerns ~~are~~ is the setback requirements.”

Page 6, fourth full paragraph: “Mr. Nilmeier explained that it will be a combination of hardscape from the curb to building ~~phase~~ with planters and tree pockets.” [The word “phase” may be a typo, but I’m not sure what word is intended. Perhaps “edge”? Or better, I think it could simply be omitted.]

Page 9, sixth paragraph: “... the Commission would be supportive of the project's effort to provide for a ~~trans~~ transfer of jurisdiction of the school.”

### ***Item No. 2 General Plan Annual Status Report Including Housing Element Report***

In two places on page 1, the staff report refers to “Government Code Section **65400(B)**.” I believe the intended reference is “Government Code Section **65400(a)(1)(B)**.”

**Program 1.1:** Under “Status,” statement 1 is phrased in such a way as to suggest that private developments inconsistent with the General Plan can be approved subsequent to a discretionary review. If true, that would violate Program 1.1.

**Program 1.2:** Shouldn’t the report mention here the several amendments to the General Plan made during 2012? And the hearings held to deal with nonconforming properties? Also Program 1.2 calls out certain specific items to be reviewed and updated “At least once every five years.” It is unclear that has been done.

**Program 9.1:** Council Policy D-3 calls for a review of the Policy Manual during the first quarter of each year. If the Manual has not been reviewed since September 2011, the City is clearly not meeting the goal of annual review.

**Program 12.1:** Was a Fiscal Impact Analysis done for Uptown Newport?

**Program 14.1:** “**Boarders** Committees” should read “**Borders** Committees” The disbanding of this committee does not seem to be consistent with the General Plan. Not mentioned here is the attempt in 2012 to develop a Liaison Committee with the Costa Mesa Sanitary District: its first meeting having been attended by Assistant City Manager Badum.

**Program 14.2:** It would seem the report should mention the school district discussions related to Uptown Newport.

**Program 14.4:** Shouldn't the report mention the 2012 activities with OCTA regarding the 19<sup>th</sup> Street bridge, and perhaps the 55 freeway extension?

**Program 14.6:** I do not believe the recent Irvine Terrace bluff development decision (Wardy residence) was consistent with the Coastal Commission's view of maintaining the “predominant line of development,” and hence indicates a lack of coordination. The Grand Canal access point should perhaps also have been mentioned.

**Program 14.8:** “... **an** non-governmental organizations ...” should read “... **and** non-governmental organizations ...”

**Program 14.10:** Shouldn't “San Joaquin Hills (SR-7) Toll Road” read “San Joaquin Hills (SR-73) Toll Road”? Also it might be noted that the 2012 Charter Amendment prohibiting automated traffic was crafted to exempt toll roads.

**Program 14.11:** Should the report mention the City's 2012 purchases of credits from other municipalities?

**Program 14.12:** Should the report mention the public meetings preceding the Corp's Santa Ana River Marsh/Semeniuk Slough project?

**Program 14.16:** Shouldn't the list include the Costa Mesa Sanitary District and the Orange County Sanitation District, both of which have significant presence in the City?

**Program 15.1:** Although no specifically mentioned in the implementation statement, this section is about annexations. Shouldn't the report mention the annexation of Emerson Island? And was a fiscal analysis prepared for that annexation?

**Program 16.3:** Should there be mention of the CdM “entryway” test here as well as under 20.1?

**Program 16.8:** “...a shuttle bus **services** for the Oasis Senior Center clients ” should read “...a shuttle bus **service** for the Oasis Senior Center clients ”

**Program 16.9:** “...Public **works** Department ...” should read “...Public **Works** Department ...”

**Program 17.1:** “This document prepared every five years (latest 2010) ...” should read “This document **is** prepared every five years (latest 2010) ...” In addition, this section should probably mention the Water Quality Committee.

**Program 20.1:** In the next to last bullet point under “Corona del Mar Entry,” the word “**successful**” seems inappropriate, and inconsistent with the conclusion, and at best is misleading (the test did not demonstrate that the tested design was “successful”). It should probably be deleted.

**Program 20.3:** Isn’t the San Miguel Street bridge intended, at least partially, as a public view site? Sunset Ridge, I believe, also includes a passive viewing area; and the Coastal Commission seems to see the “lighthouse” at Marina Park as a viewing opportunity.

**Program 23.1:** Shouldn’t these recommendations be reviewed by the Parks, Beaches and Recreation Commission?

**Program 23.3:** “... and periodically **initiate** community surveys ...” should read “... and periodically **initiates** community surveys ...”

**Program 23.4:** Why was PB&R *not* involved in many other recommendations, such as the Buck Gully trail mentioned in 23.2, or the bicycle plans in 16.11?

**Program 24.1:** What is “**EDC**”? Does it still exist?

**Program 25.1:** “All other programs are reviewed in attached Housing Element Progress Report ...” should read “All other programs are reviewed in **the** attached Housing Element Progress Report ...”

**Program 27.1:** “The City continuously implements Municipal Code ...” should read “The City continuously implements **the** Municipal Code ...”

**Program 29.2:** I believe the museum tours are self-funded through ticket sales. Also, in Item 5, “Continuously reviewed **review** artist’s applications...” should read “Continuously reviewed artist’s applications...”

**Program 29.3:** In what way has the City “**supported** the Banning Ranch Conservancy’s efforts to acquire the Banning Ranch property to preserve it as open space”? Would **endorsed** be a better word?

**Program 31.1:** “... the City’s **refuge** program” should read “... the City’s **refuse** program”

[I have not yet examined the Housing Element Report]